

MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY

JACK D. KENWORTHY and
PATRICIA HELEN KENWORTHY,
husand and wife,

Plaintiffs,

-vs-

No. DV-99-185

W.R. GRACE & CO.-CONN, a Connecticut
corporation, W.R. Grace & CO, a Delaware
corporation W.R. GRACE & CO., a/k/a GRACE,
a association of business entities, BENITA P.
LOVICK, Personal Representative for the
ESTATE OF EARL D. LOVICK, DECEASED,
and DOES I-I

Defendants,

VIDEO DEPOSITION OF JACK D. KENWORTHY

Heard at 3000 Villard 135-A
Helena, Montana
December 17, 1999
1:00 p.m.

PREPARED BY:

THERESA A. STRAUCH, RMR
HENDRICKSON COURT REPORTING
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<p>PAGE 1</p> <p>MONTANA NINETEENTH JUDICIAL DISTRICT COURT</p> <p>LINCOLN COUNTY</p> <p>JACK D. KENWORTHY and PATRICIA HELEN KENWORTHY, husband and wife,) Plaintiffs,) -vs-) No. DV-99-185 W.R. GRACE & CO.-CONN, a) Connecticut corporation, W.R.) GRACE & CO., a Delaware) corporation W.R. GRACE & CO.,) a/k/a GRACE, an association of) business entities, BENITA P.) LOVICK, Personal Representative) for the ESTATE OF EARL D. LOVICK,) DECEASED, and DOES I-IV,) Defendants.)</p> <p>VIDEO DEPOSITION OF JACK D. KENWORTHY</p> <p>BE IT REMEMBERED, that the video deposition upon oral examination of JACK D. KENWORTHY, appearing at the instance of Plaintiff, was heard at 3000 Villard, 135-A, Helena, Montana, on the 17th of December, 1999, beginning at the hour of 1:00 p.m., pursuant to the Montana Rules of Civil Procedure before Theresa A. Strauch, Notary Public.</p> <p>*****</p>	<p>PAGE 3</p> <p>I N D E X</p> <p>EXAMINATION: Page: By Mr. McGarvey 4-47 By Mr. MacDonald 29-50</p> <p>EXHIBITS: Marked: * * * NO EXHIBITS MARKED * * *</p> <p>* * * WORD INDEX AT END OF TRANSCRIPT * * *</p>
<p>PAGE 2</p> <p>A P P E A R A N C E S</p> <p>ATTORNEY APPEARING ON BEHALF OF THE PLAINTIFF:</p> <p>ALLAN M. MCGARVEY Attorney at Law McGarvey, Heberling, Sullivan & McGarvey 745 South Main Kalispell, Montana 59901</p> <p>ATTORNEY APPEARING ON BEHALF OF THE DEFENDANTS:</p> <p>TERRY L. MACDONALD Attorney at Law Garlington, Lohn & Robinson P.O. Box 7909 Missoula, Montana 59807-7909</p>	<p>PAGE 4</p> <p>WHEREUPON, the following proceedings were had and testimony taken, to-wit: VIDEOGRAPHER: We're now going on the record. It's December 17, 1999, approximately 1:01 p.m. ***** (Witness sworn) JACK D. KENWORTHY, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. MCGARVEY: Q. Please state your name. A. Jack D. Kenworthy. Q. Jack, are we taking this deposition at your daughter's home in Helena? A. Yes, we are. Q. And have you moved to Helena to be near your family since you got sick? A. Yes, I have. Q. Jack, tell us what you're sick with. A. I was diagnosed with lung cancer.</p>

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<p>PAGE 5</p> <p>1 Q. And are you suffering any ill effects of</p> <p>2 that today?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Can you tell me about that, how</p> <p>5 you're feeling?</p> <p>6 A. Well, I've lost about 40 pounds or more</p> <p>7 and just weak and can't do anything.</p> <p>8 Q. How do you -- as far as remembering</p> <p>9 things, do you have any difficulty with</p> <p>10 remembering?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. My memory's not very good.</p> <p>14 Q. And are you taking any treatment for the</p> <p>15 cancer?</p> <p>16 A. Yes, I'm taking chemotherapy, and I'm</p> <p>17 taking radiation.</p> <p>18 Q. And the chemotherapy, does that tire you</p> <p>19 out?</p> <p>20 A. It seems to, yes.</p> <p>21 Q. And then in addition to that, are you</p> <p>22 taking medications?</p> <p>23 A. Yes, I am.</p> <p>24 Q. And did I have you sit down with your wife</p> <p>25 and make a list of those for me?</p>	<p>PAGE 7</p> <p>1 A. Cancer in the stomach and the -- go on.</p> <p>2 Q. Okay. Jack, do you have a hard time</p> <p>3 recalling words?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And is that since you got the</p> <p>6 cancer?</p> <p>7 A. (Witness nods head.) Yes.</p> <p>8 Q. Do you find yourself being confused?</p> <p>9 A. Yes, very easily.</p> <p>10 Q. And just the other day we went through a</p> <p>11 deposition process. Can you describe how that was</p> <p>12 for you as far as how well you recalled things or</p> <p>13 were able to do that without tiring out?</p> <p>14 A. What was that again?</p> <p>15 Q. When we did your deposition the other day,</p> <p>16 was that hard?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Then you also have Prednisone. You</p> <p>19 take that for the glands?</p> <p>20 A. Yeah.</p> <p>21 Q. And then I think it's Megace, M-e-g-a-c-e,</p> <p>22 for your appetite?</p> <p>23 A. Yeah.</p> <p>24 Q. You have difficulty with your appetite?</p> <p>25 A. Yeah.</p>
<p>PAGE 6</p> <p>1 A. Yes, I did.</p> <p>2 Q. I just want to run through those. The</p> <p>3 first one that you've got here is Duragesic patch</p> <p>4 for pain?</p> <p>5 A. Yes.</p> <p>6 Q. Are you wearing that now?</p> <p>7 A. Yes, I am.</p> <p>8 Q. And then Percoset, have you taken that</p> <p>9 within the last 24 hours?</p> <p>10 A. No, I haven't. That's for pain.</p> <p>11 Q. Okay. Did you have any of that yesterday</p> <p>12 or last night?</p> <p>13 A. Yesterday.</p> <p>14 Q. Then you've got Remeron. That's to help</p> <p>15 you sleep?</p> <p>16 A. Yes.</p> <p>17 Q. And did you have some of that last night?</p> <p>18 A. Yes, I did.</p> <p>19 Q. And then you have Philosec for your</p> <p>20 stomach?</p> <p>21 A. Yes.</p> <p>22 Q. And are you having stomach difficulties?</p> <p>23 A. A lot of things disagree.</p> <p>24 Q. Okay. And is the cancer in your stomach</p> <p>25 as well?</p>	<p>PAGE 8</p> <p>1 Q. And you take these every day?</p> <p>2 A. I take this one, yes, appetite medicine</p> <p>3 every day, yes.</p> <p>4 Q. Okay. Now, between the effects of the</p> <p>5 cancer and the chemotherapy and these different</p> <p>6 medications, is that affecting how you're able to</p> <p>7 understand and communicate here today?</p> <p>8 A. Yes.</p> <p>9 Q. And I'll try to keep this short, Jack, and</p> <p>10 I apologize I have to ask questions and try not to</p> <p>11 ask them in a leading form. So it's not that I'm</p> <p>12 picking on you. It's just the way I have to try to</p> <p>13 ask these questions.</p> <p>14 When did you first go to work at Grace?</p> <p>15 A. 1968.</p> <p>16 Q. When you first went to work there, what</p> <p>17 did the company tell you if anything about</p> <p>18 workplace hazards?</p> <p>19 A. Not very much, nothing.</p> <p>20 Q. Anything that you can recall?</p> <p>21 A. No hazards.</p> <p>22 Q. Was it dusty up at Grace where you worked</p> <p>23 there?</p> <p>24 A. Just the -- yeah, a dust, but it wasn't</p> <p>25 hazardous. It was just a nuisance dust more or</p>

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<p>PAGE 9</p> <p>1 less.</p> <p>2 Q. Okay. Were you told it was a nuisance</p> <p>3 dust?</p> <p>4 A. Yes.</p> <p>5 Q. Describe the dust. What did you see in</p> <p>6 the air?</p> <p>7 A. Well, I see a light sometimes a film of</p> <p>8 gray dust coming down.</p> <p>9 Q. Was it always the same?</p> <p>10 A. Pretty much all the same.</p> <p>11 Q. Okay. Were there places that were dustier</p> <p>12 than others?</p> <p>13 A. Oh, yeah, lots of places.</p> <p>14 Q. Were there times that were dustier than</p> <p>15 other times?</p> <p>16 A. Yes.</p> <p>17 Q. Jack, I'm showing you Exhibit 222, Common</p> <p>18 Exhibit 222. Do you recognize that being up at the</p> <p>19 mill and how it looked at the time that you worked</p> <p>20 there?</p> <p>21 A. Yes.</p> <p>22 Q. And is that the mill that we see in the</p> <p>23 lower right of that photo?</p> <p>24 A. It appears to be, yes.</p> <p>25 Q. And in that photograph, we can see some</p>	<p>PAGE 11</p> <p>1 of the jobs that you did at Grace?</p> <p>2 A. Yes.</p> <p>3 Q. And I had that typed up, and does</p> <p>4 Plaintiff's Exhibit 520-JK, does that accurately</p> <p>5 list the jobs that you held to the best of your</p> <p>6 recollection when you worked at Grace?</p> <p>7 A. Yes, it does.</p> <p>8 Q. And I want to kind of work through that a</p> <p>9 little bit. At the beginning there, in 1968, it</p> <p>10 says you worked in the construction department.</p> <p>11 Can you tell us what kind of jobs you did when you</p> <p>12 were there?</p> <p>13 A. Well, you went around and built different</p> <p>14 things, made different things for the mining</p> <p>15 operation, worked in the dry mill. I worked at the</p> <p>16 lower ore bins, here and there.</p> <p>17 Q. Describe what it was like inside the dry</p> <p>18 mill.</p> <p>19 A. At times it could be pretty dusty, dirty.</p> <p>20 Q. And what kinds of things were going on</p> <p>21 when it was real dusty there?</p> <p>22 A. Well, the mill was running of course and</p> <p>23 stirring up dust and guys blowing down, sweeping.</p> <p>24 Q. When you say blowing down, what were they</p> <p>25 blowing down?</p>
<p>PAGE 10</p> <p>1 haze in the area of the mill. Was that common when</p> <p>2 you worked up there?</p> <p>3 A. No, it was not.</p> <p>4 Q. Okay. How often would it be hazy and</p> <p>5 dusty around the mill like that?</p> <p>6 A. Well, I don't know. It would vary from</p> <p>7 day to day, but it could be like that for a day or</p> <p>8 two, I suppose, and then it would clear up. The</p> <p>9 wind would come through and take it on out.</p> <p>10 Q. Jack, you said that you were told that the</p> <p>11 dust was a nuisance dust. What did you understand</p> <p>12 that to mean?</p> <p>13 A. That it wasn't harmful.</p> <p>14 Q. When you first went to work at the</p> <p>15 company, Jack, did they tell you that there was</p> <p>16 tremolite in the dust?</p> <p>17 A. No.</p> <p>18 Q. Did they tell you that there was asbestos</p> <p>19 in the dust?</p> <p>20 A. No.</p> <p>21 Q. Did you know, Jack, from any source that</p> <p>22 there was tremolite or asbestos when you went to</p> <p>23 work up there?</p> <p>24 A. No.</p> <p>25 Q. Jack, did I ask you to make a list for me</p>	<p>PAGE 12</p> <p>1 A. Walls and pipes and things along the walls</p> <p>2 and so forth.</p> <p>3 Q. What were they blowing it down with?</p> <p>4 A. Air.</p> <p>5 Q. What were they blowing off?</p> <p>6 A. Dust.</p> <p>7 Q. How much dust?</p> <p>8 A. Well, it depends on when it was cleaned</p> <p>9 last, but sometimes it could be quite a bit,</p> <p>10 sometimes not too much.</p> <p>11 Q. And then it would get blown down onto the</p> <p>12 floor?</p> <p>13 A. Floor.</p> <p>14 Q. And then what would they do with that?</p> <p>15 A. I'd sweep it up.</p> <p>16 Q. Okay. Jack, I'm showing you Plaintiff's</p> <p>17 Exhibit 288. Do you recognize where that's at?</p> <p>18 A. I believe it's at the lower ore bins.</p> <p>19 Q. Okay. Down by the river?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell us, by way of comparison, if</p> <p>22 we look here at the bottom of these beams, we see</p> <p>23 kind of piles, and we can see kind of a track</p> <p>24 through the dust there. How would that compare to</p> <p>25 conditions in the dry mill when they were blowing</p>

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<p>PAGE 13</p> <p>1 it down and sweeping?</p> <p>2 A. This would be a lot worse.</p> <p>3 Q. Okay. So it wasn't that bad as far as the</p> <p>4 amount of stuff they were sweeping up?</p> <p>5 A. No.</p> <p>6 Q. Were you ever in this part of the lower</p> <p>7 bins where all this dust is that we see here on</p> <p>8 288?</p> <p>9 A. Yes, I was down there once.</p> <p>10 Q. Now, when you were down at the lower ore</p> <p>11 bins, where did you usually work?</p> <p>12 A. Down in the loading facility part of it.</p> <p>13 Q. And I want to show you Exhibit 134. Is</p> <p>14 that the lower ore bins that you're talking about?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And what did you do when you were</p> <p>17 down there?</p> <p>18 A. Loaded ore into the cars for shipping.</p> <p>19 Q. Describe how that's done.</p> <p>20 A. Well, the ore comes out from under the</p> <p>21 bins onto that conveyor going across the river and</p> <p>22 dumps into the ore cars.</p> <p>23 Q. And how would it be transferred onto the</p> <p>24 conveyor?</p> <p>25 A. Just a gravity fall more or less.</p>	<p>PAGE 15</p> <p>1 Q. What else did you do down there at the</p> <p>2 lower storage bins down by the river?</p> <p>3 A. I don't remember.</p> <p>4 Q. How does the ore get out of those bins to</p> <p>5 be conveyed across the river?</p> <p>6 A. How did the ore get out of the bins?</p> <p>7 Q. Yes, you talked about a gravity system.</p> <p>8 Where does it pour down to?</p> <p>9 A. Well, there must have been a gate of some</p> <p>10 sort, I don't remember exactly, that you opened</p> <p>11 and --</p> <p>12 Q. The gate opened, and then it went down?</p> <p>13 A. Yeah.</p> <p>14 Q. Down to where?</p> <p>15 A. To the conveyor, whichever conveyor you</p> <p>16 were shipping out on. Those five tanks, they may</p> <p>17 be different grade ore. Like they had one, two,</p> <p>18 three, four and five grade ore, you know.</p> <p>19 Q. So you could open a different gate for</p> <p>20 each of those tanks?</p> <p>21 A. Right.</p> <p>22 Q. And then underneath that then was there a</p> <p>23 tunnel?</p> <p>24 A. Yeah, a tunnel and a conveyor.</p> <p>25 Q. Okay. And did you ever work down there?</p>
<p>PAGE 14</p> <p>1 Q. Oh, I see. Okay. Well, what operations</p> <p>2 did you do?</p> <p>3 A. Sometimes we run that little Cat end</p> <p>4 loader, and it might take it --</p> <p>5 Q. Is that like a front-end loader?</p> <p>6 A. Yeah, Cat end loader.</p> <p>7 Q. And what would you do with that?</p> <p>8 A. Pick up the ore and maybe move it out of</p> <p>9 this bin into this bin for shipping because maybe</p> <p>10 this bin was empty or they wanted to blend these</p> <p>11 two together. Sometimes they did that.</p> <p>12 Q. And would you dump the ore from one pile</p> <p>13 to another?</p> <p>14 A. Right.</p> <p>15 Q. What was the condition of the ore at that</p> <p>16 time? Was it wet or dry?</p> <p>17 A. Oh, no, it was always dry. This is known</p> <p>18 as a dry facility down here.</p> <p>19 Q. Okay. And when you dumped that, did that</p> <p>20 create any dust?</p> <p>21 A. Yes.</p> <p>22 Q. Can you describe that at all?</p> <p>23 A. Well, you know, when you pick up a shovel</p> <p>24 full of dry dirt and flip it over, dust will fall</p> <p>25 out, you know, and that's what it was.</p>	<p>PAGE 16</p> <p>1 A. Yeah, down here.</p> <p>2 Q. And describe that. What was it like down</p> <p>3 in the tunnel?</p> <p>4 A. It would be pretty dusty down there. If</p> <p>5 one of these chutes up here plug up, one of the</p> <p>6 chutes under the tank plug up, then you get in</p> <p>7 there and prod it out of there until it's clear.</p> <p>8 Q. Prod it with what?</p> <p>9 A. Steel rods or anything.</p> <p>10 Q. Can you describe the dust conditions when</p> <p>11 you were doing something like that?</p> <p>12 A. It's pretty bad, real bad.</p> <p>13 Q. Okay. Jack, I want to move to the next</p> <p>14 job after you left the construction department.</p> <p>15 Where did you go next?</p> <p>16 A. Welding shop.</p> <p>17 Q. Where did you go in 1970 before the</p> <p>18 welding shop?</p> <p>19 A. Oh, the garage.</p> <p>20 Q. Okay. And what did you do in the garage?</p> <p>21 A. Service mechanic.</p> <p>22 Q. And what does that entail? What does a</p> <p>23 service mechanic do?</p> <p>24 A. Works on trucks, the equipment.</p> <p>25 Q. Regular mechanical kind of work like you</p>

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<p>PAGE 17</p> <p>1 would see in a --</p> <p>2 A. Right, regular mechanical work.</p> <p>3 Q. Work on the engines?</p> <p>4 A. Engine, wiring, whatever, tires, so</p> <p>5 forth.</p> <p>6 Q. What was the -- well, first of all, where</p> <p>7 was the shop located, the garage?</p> <p>8 A. Just south of the welding shop.</p> <p>9 Q. How far was it from the dry mill?</p> <p>10 A. Three, 400 yards.</p> <p>11 Q. Was it dusty in the truck shop, in the</p> <p>12 garage?</p> <p>13 A. Not real bad, no.</p> <p>14 Q. Can you describe what kind of dust</p> <p>15 conditions you would see there or when you would</p> <p>16 see dust there?</p> <p>17 A. Well, most of the time if the sun was</p> <p>18 shining and you had the door open a little bit and</p> <p>19 you look out, you could see dust, you know,</p> <p>20 trickling down a little bit.</p> <p>21 Q. In the beam of light?</p> <p>22 A. Yeah, in the beam of light.</p> <p>23 Q. If there wasn't a beam of light, did you</p> <p>24 notice the dust?</p> <p>25 A. Probably not so much, no.</p>	<p>PAGE 19</p> <p>1 to the dust in the garage the years you worked</p> <p>2 there?</p> <p>3 A. No comparison.</p> <p>4 Q. What do you mean by that?</p> <p>5 A. Well, in the welding shop, if you brought</p> <p>6 in a shovel bucket or something like that and an</p> <p>7 end loader bucket to repair and you turn them over</p> <p>8 with the crane in there, that metal that you put on</p> <p>9 to stop the wear traps all the ore and the dirt,</p> <p>10 and it got wore so thin, then you got to replace</p> <p>11 them, of course, and the bucket starts cracking and</p> <p>12 so forth. Then you got to chip that all out of</p> <p>13 there, and that creates a lot of dust.</p> <p>14 Q. You have to chip what out of there?</p> <p>15 A. The dirt.</p> <p>16 Q. What condition was the dirt that's in</p> <p>17 there?</p> <p>18 A. Very dry, hard and very dry just like as</p> <p>19 hard as a brick.</p> <p>20 Q. And how would you get that out?</p> <p>21 A. The chipping gun.</p> <p>22 Q. Can you tell us what a chipping gun is?</p> <p>23 A. It's an air-operated tool with a chisel</p> <p>24 like on it, and you just chip that dirt out of</p> <p>25 there so you can get to the clean metal.</p>
<p>PAGE 18</p> <p>1 Q. And you worked there for two years?</p> <p>2 A. Yes.</p> <p>3 Q. And where did you go next?</p> <p>4 A. Three years.</p> <p>5 Q. Three years. I'm sorry. Okay. And then</p> <p>6 where did you go next?</p> <p>7 A. Welding shop.</p> <p>8 Q. And where is the welding shop located?</p> <p>9 A. Welding shop is north of the truck shop.</p> <p>10 Q. Okay. Is it near the dry mill again?</p> <p>11 A. No, not very close, probably about the</p> <p>12 same as the garage.</p> <p>13 Q. It's between the garage and the dry mill;</p> <p>14 is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And Jack, did I show you Exhibit 124 and</p> <p>17 have you identify on there where the shop was?</p> <p>18 A. Yes.</p> <p>19 Q. And we did that this morning?</p> <p>20 A. Yes, uh-huh.</p> <p>21 Q. And on this computer image, this blue</p> <p>22 arrow, is that marking where the welding shop was?</p> <p>23 A. Yes.</p> <p>24 Q. Jack, how did the dust conditions in the</p> <p>25 welding shop in the years you worked there compare</p>	<p>PAGE 20</p> <p>1 Q. Now, when you do that operation, did that</p> <p>2 create a lot of dust?</p> <p>3 A. Yeah, sometimes.</p> <p>4 Q. And was that the source of dust or the</p> <p>5 primary source of dust to your perception when you</p> <p>6 were in the welding shop?</p> <p>7 A. Yes.</p> <p>8 Q. How long did you work in the welding shop?</p> <p>9 A. Eleven years.</p> <p>10 Q. Jack, when did you first learn any of the</p> <p>11 names for the stuff that was in the dust?</p> <p>12 A. Probably in the late '70s.</p> <p>13 Q. And do you remember what you learned</p> <p>14 then? Do you remember those names?</p> <p>15 A. I think it was tremolite.</p> <p>16 Q. When you first heard the word tremolite in</p> <p>17 the late '70s, did you know what it was?</p> <p>18 A. No.</p> <p>19 Q. Did you know that it was a form of</p> <p>20 asbestos?</p> <p>21 A. No.</p> <p>22 Q. Did you know that tremolite could be</p> <p>23 harmful or even deadly at unsafe levels?</p> <p>24 A. No.</p> <p>25 Q. What did they tell you about the</p>

VIDEO DEPOSITION OF JACK D. KENWORTHY / DECEMBER 17, 1999

<p>PAGE 25</p> <p>1 interrupt.</p> <p>2 MR. McGARVEY: That's fine.</p> <p>3 A. Yes.</p> <p>4 Q. (By Mr. McGarvey) Did Grace ever notify</p> <p>5 you that you had been exposed to unsafe levels of</p> <p>6 asbestos?</p> <p>7 A. No, I don't remember or recall them ever</p> <p>8 telling me that.</p> <p>9 Q. Would it have been important to you to</p> <p>10 know that the government tests of the dust of the</p> <p>11 levels at Grace while you worked there showed dust</p> <p>12 levels up to 10 to 100 times in excess of the safe</p> <p>13 limit?</p> <p>14 MR. MacDONALD: Objection.</p> <p>15 Speculation.</p> <p>16 A. What was that again?</p> <p>17 Q. (By Mr. McGarvey) Would that have been</p> <p>18 something that would have been important to you to</p> <p>19 know?</p> <p>20 A. Yes.</p> <p>21 Q. Jack, have you ever worked at any other</p> <p>22 mining operations?</p> <p>23 A. Yes.</p> <p>24 Q. Tell me about that.</p> <p>25 A. I worked for ACM Company in the 1960s.</p>	<p>PAGE 27</p> <p>1 A. Open pit gold mine.</p> <p>2 Q. And what did you do at those jobs?</p> <p>3 A. Mechanic.</p> <p>4 Q. Working on trucks?</p> <p>5 A. Yes.</p> <p>6 Q. Are you still working at the mine in</p> <p>7 Elko?</p> <p>8 A. No, I'm not.</p> <p>9 Q. And when did you quit?</p> <p>10 A. About the middle of October.</p> <p>11 Q. Just this past October 1999?</p> <p>12 A. Yes.</p> <p>13 Q. And why did you quit?</p> <p>14 A. Because of my cancer.</p> <p>15 Q. Did you have any difficulties doing all</p> <p>16 the requirements of your job up to a few weeks ago</p> <p>17 last October when you were diagnosed with the</p> <p>18 cancer?</p> <p>19 A. None whatsoever.</p> <p>20 Q. Jack, what do you do during the day now?</p> <p>21 A. I sleep a lot and rest, just sit in a</p> <p>22 chair and watch t.v., about it, not very exciting.</p> <p>23 Q. Can you describe any of the tasks that you</p> <p>24 do during the day that would illustrate the</p> <p>25 difficulties that you have getting through just</p>
<p>PAGE 26</p> <p>1 Q. Was that before you went to work at Grace?</p> <p>2 A. Yes.</p> <p>3 Q. And where was that?</p> <p>4 A. Butte, Montana.</p> <p>5 Q. And what kind of mine was that?</p> <p>6 A. Underground copper mine.</p> <p>7 Q. Jack, when you worked at the mine in</p> <p>8 Butte, did you have to wear your work clothes</p> <p>9 home?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because we had change room and showers.</p> <p>13 Q. How about when you worked at Grace, did</p> <p>14 they provide change rooms and showers so you didn't</p> <p>15 have to bring your dusty clothes home?</p> <p>16 A. None whatsoever.</p> <p>17 Q. Where else have you worked?</p> <p>18 A. Boy, Round Mountain Gold.</p> <p>19 Q. When did you work there?</p> <p>20 A. '88, '89.</p> <p>21 Q. And was that a mining operation?</p> <p>22 A. Yes, it was open pit gold mine.</p> <p>23 Q. And where did you work after that?</p> <p>24 A. Barrick Gold Strike.</p> <p>25 Q. And what kind of operation was that?</p>	<p>PAGE 28</p> <p>1 normal tasks?</p> <p>2 A. Well, sometimes it's a struggle to get out</p> <p>3 of bed.</p> <p>4 Q. It is for all of us, Jack.</p> <p>5 A. Just walking is painful. It hurts. I</p> <p>6 like to go outside and get some exercise, but I</p> <p>7 can't go outside if it's cold out, so I'm house</p> <p>8 bound.</p> <p>9 Q. You told me this morning about brushing</p> <p>10 your teeth?</p> <p>11 A. Yeah.</p> <p>12 Q. Tell me about that again.</p> <p>13 A. Well, you got to sit on a chair to brush</p> <p>14 your teeth.</p> <p>15 Q. Why is that?</p> <p>16 A. Because I have false teeth, and I can't</p> <p>17 stand up long enough, bend over to brush them.</p> <p>18 Q. You just get too tired?</p> <p>19 A. Yeah.</p> <p>20 Q. Are you tired now from the questions I've</p> <p>21 asked you?</p> <p>22 A. Yes.</p> <p>23 Q. How old are you, Jack?</p> <p>24 A. 59.</p> <p>25 Q. Jack, what does this diagnosis of cancer</p>